

## Calendar No. 583

113TH CONGRESS <i>2d Session</i>	{	SENATE	{	REPORT 113-269
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### NICHOLAS AND ZACHARY BURT MEMORIAL CARBON MONOXIDE POISONING PREVEN- TION ACT OF 2013

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#### R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 1793



NOVEMBER 12, 2014.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

#### R E P O R T

[To accompany S. 1793]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1793) to encourage States to require the installation of residential carbon monoxide detectors in homes, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 1793, the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2013, is to establish a grant program to encourage States to require the installation of residential carbon monoxide detectors in homes.

#### BACKGROUND AND NEEDS

Carbon monoxide is considered a “silent killer,” because people cannot see, smell, or taste it.<sup>1</sup> Carbon monoxide is the leading cause of accidental poisoning death in the United States. And because symptoms of carbon monoxide poisoning mimic those of the flu—with headache, nausea, and dizziness being the most common—it is often misdiagnosed or under-detected. According to the Centers for Disease Control and Prevention, there are over 400 deaths and 20,000 emergency room visits as a result of carbon

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<sup>1</sup> Centers for Disease Control and Prevention, Factsheet, Carbon Monoxide Poisoning, at [www.cdc.gov/co/pdfs/flyer/\\_danger.pdf](http://www.cdc.gov/co/pdfs/flyer/_danger.pdf).

monoxide poisoning each year.<sup>2</sup> The highest percentage of carbon monoxide exposure occurs during the winter months of December, January, and February.<sup>3</sup>

Carbon monoxide poisoning can happen whenever a fuel-burning appliance such as a furnace, water heater, clothes dryer, stove, oven, or generator is used improperly or malfunctions. Other common household sources of carbon monoxide include fireplaces and vehicles left running in attached garages. When the gas builds up inside a home, it can quickly lead to illness or even death. A carbon monoxide alarm or detector is a cost-effective way to detect this gas.

To date, 39 States have enacted laws or codes requiring the installation of life-saving carbon monoxide detection devices in homes or other residential or commercial occupancies, and more States are likely to adopt similar legislation or codes in the coming years.<sup>4</sup> State laws and education programs are proving successful in reducing carbon monoxide-related injuries and deaths. The Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2013 would help States and local governments implement these programs and ensure the public's safety and protection.

#### SUMMARY OF PROVISIONS

S. 1793 would direct the Consumer Product Safety Commission (CPSC) to establish a grant program for State and local governments that requires the installation of compliant carbon monoxide alarms in dwelling units or facilities that commonly serve children or the elderly. Compliant carbon monoxide alarms would be defined as those that comply with current American National Standards Institute (ANSI) standards for both carbon monoxide alarms and gas and vapor detectors and sensors.

The bill would allow grants awarded under the program to be used by recipient State and local governments to: purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families and the elderly, as well as facilities that commonly serve children or the elderly, such as schools, child care facilities, and senior centers; train fire code enforcement personnel in the proper enforcement of laws requiring compliant carbon monoxide alarms and in the proper installation of such alarms; develop training materials and fund other related costs for training sessions authorized by the bill; and educate the public about the risks of carbon monoxide poisoning.

The bill would authorize an appropriation of \$10 million over five years at \$2 million per year. The CPSC would determine the amount of the grants.

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<sup>2</sup>Centers for Disease Control and Prevention, Frequently Asked Questions, Carbon Monoxide Poisoning, July 2013, at [www.cdc.gov/co/faqs.htm](http://www.cdc.gov/co/faqs.htm).

<sup>3</sup>Centers for Disease Control and Prevention, Nonfatal, Unintentional, Non-Fire-Related Carbon Monoxide Exposures—United States, 2004–2006, August 2008, at [www.cdc.gov/mmwr/preview/mmwrhtml/mm5733a2.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5733a2.htm).

<sup>4</sup>NEMA, Life Safety Solutions Online, at [www.lifesafetysolutionsonline.org/legislative-regulatory](http://www.lifesafetysolutionsonline.org/legislative-regulatory).

#### LEGISLATIVE HISTORY

Senators Klobuchar, Casey, and Schumer introduced S. 1793 on December 10, 2013. The bill is also cosponsored by Senators Blumenthal, Markey, Nelson, and Shaheen.

On April 9, 2014, in an open Executive Session, the Committee considered the bill and reported S. 1793, as amended, favorably by voice vote. The Committee adopted a substitute amendment from Senator Klobuchar that made largely technical changes, but expanded the definition of “eligible States” to include State political subdivisions and the Northern Mariana Islands; eliminated the requirement that the CPSC prioritize grant applications based on certain criteria, but expanded the criteria under which the CPSC gives favorable consideration to a grant applicant; eliminated from consideration the criterion that a State demonstrate a greater than average loss of life from carbon monoxide in the home; and established a 10 percent limit on appropriated funds for administrative expenses.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

*S. 1793—Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2013*

S. 1793 would establish a new grant program to assist state and local governments in carrying out activities related to prevention of carbon monoxide poisoning. The bill would authorize the appropriation of \$2 million per year for fiscal years 2015 through 2019 to provide grants to carry out the activities specified in the bill. The activities would include purchasing and installing compliant carbon monoxide alarms, training state or local officials for fire code enforcement, developing training materials, and educating the public about the risks of carbon monoxide.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1793 would cost about \$10 million over the 2015–2019 period. Enacting S. 1793 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1793 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Kirstin Blom. The estimate was approved by Holly Harvey, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of the legislation, as reported. The Committee agrees with the Congressional Budget Office that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The bill would impose no costs on State,

local or tribal governments, or private entities. The enactment of this legislation would not have significant regulatory impact within the meaning of the rule.

#### NUMBER OF PERSONS COVERED

The legislation would direct the CPSC to establish a grant program for State and local governments that requires the installation of compliant carbon monoxide alarms in dwelling units and other eligible facilities. The grant program would further aid States and localities in training and educational programs with regard to carbon monoxide poisoning and prevention.

#### ECONOMIC IMPACT

This legislation is not expected to have an adverse economic impact on the Nation.

#### PRIVACY

S. 1793 would not have a negative impact on the personal privacy of individuals.

#### PAPERWORK

S. 1793 would create a new reporting requirement for the CPSC. The CPSC would be directed to submit a report to Congress that evaluates the implementation of the program no later than one year after the last day of each fiscal year for which grants are awarded.

#### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title.*

Section 1 would establish the title of the bill as the “Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2013.”

##### *Section 2. Findings.*

Section 2 would provide the findings of Congress, including the dangers of carbon monoxide poisoning and the utility of carbon monoxide alarms.

##### *Section 3. Definitions.*

Section 3 would define terms used throughout the bill. The most notable terms are carbon monoxide alarm, compliant carbon monoxide alarm, and dwelling unit.

A carbon monoxide alarm would mean a device or system that detects carbon monoxide and that is intended to alarm consumers of carbon monoxide at concentration levels below those that could

cause a loss of ability to react to the dangers of carbon monoxide exposure.

A compliant carbon monoxide alarm would mean one that complies with the most current version of the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL 2034) and the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL 2075).

A dwelling unit would mean a room or suite of rooms used for human habitation, and would include a single-family as well as each living unit of a multiple-family residence (including apartment buildings) and each living unit in a mixed use building.

*Section 4. Grant program for carbon monoxide poisoning prevention.*

Section 4 would establish the parameters of the grant program. It would direct the CPSC to establish, subject to appropriations, a grant program for States and local governments that have adopted a statute or regulation requiring compliant carbon monoxide alarms be installed in dwelling units and other eligible facilities. The bill would authorize an appropriation of \$10 million over five years at \$2 million per year to carry out the purposes of the Act.

The CPSC would determine grant amounts, giving priority to State or local governments that: prioritize installation of compliant carbon monoxide alarms in new or existing facilities or dwelling units with fuel-burning appliances or attached garages; and have developed a strategy to protect vulnerable populations such as children, the elderly, or low-income household residents.

Grants awarded under the program could be used for four purposes: (1) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly persons, facilities that commonly serve children or the elderly (including child care facilities, public schools, and senior centers), or student dwelling units owned by public universities; (2) to train fire code enforcement personnel; (3) to create training materials; and (4) to educate the public about the risks associated with carbon monoxide poisoning. No more than 10 percent of any grant funds received could be used to cover administrative costs (except costs associated with training fire code enforcement personnel), and no more than 25 percent of any grant funds could be used to educate the public.

The bill would require the CPSC to submit, no later than one year after the last day of each fiscal year for which grants are awarded, a report to Congress that evaluates the implementation of the grant program. Any amounts appropriated that remain unexpended and unobligated on September 30, 2019, would be retained by the CPSC and credited to the appropriations account that funds the enforcement of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

**CHANGES IN EXISTING LAW**

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

